



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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March 17, 2010

TECHNICAL STAFF REPORT
Petition Accepted on February 2, 2010
Hearing Examiner Hearing of March 29, 2010

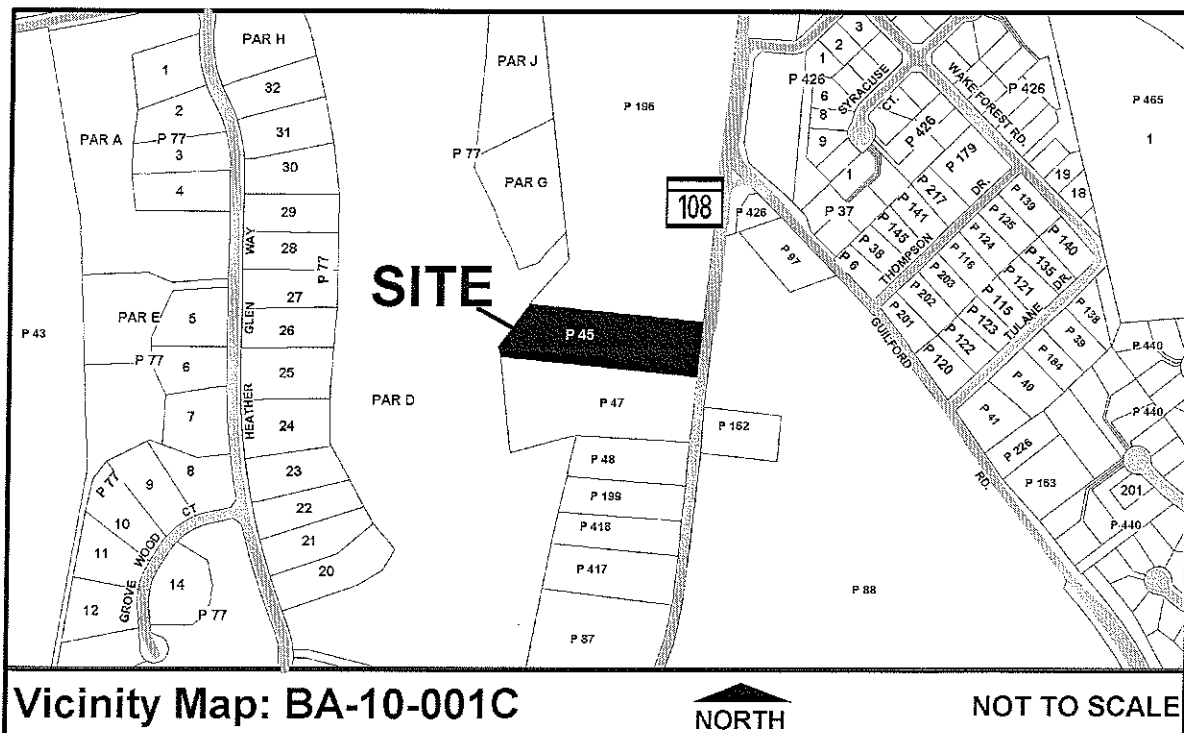
Case No./Petitioners: BA-10-001C Donaldson Funeral Home

Request: Conditional Use for a Funeral Home (Section 131.N.22)

Location: Fifth Election District
West side of MD 108 approximately 1,600 feet south of MD 32
Tax Map 34, Grid 12, Parcel 45; 12540 Clarksville Pike (MD 108) (the "Property" or "Site")

Area of Site: 3.27 acres

Zoning: RR-DEO (Rural Residential: Density Exchange Option)

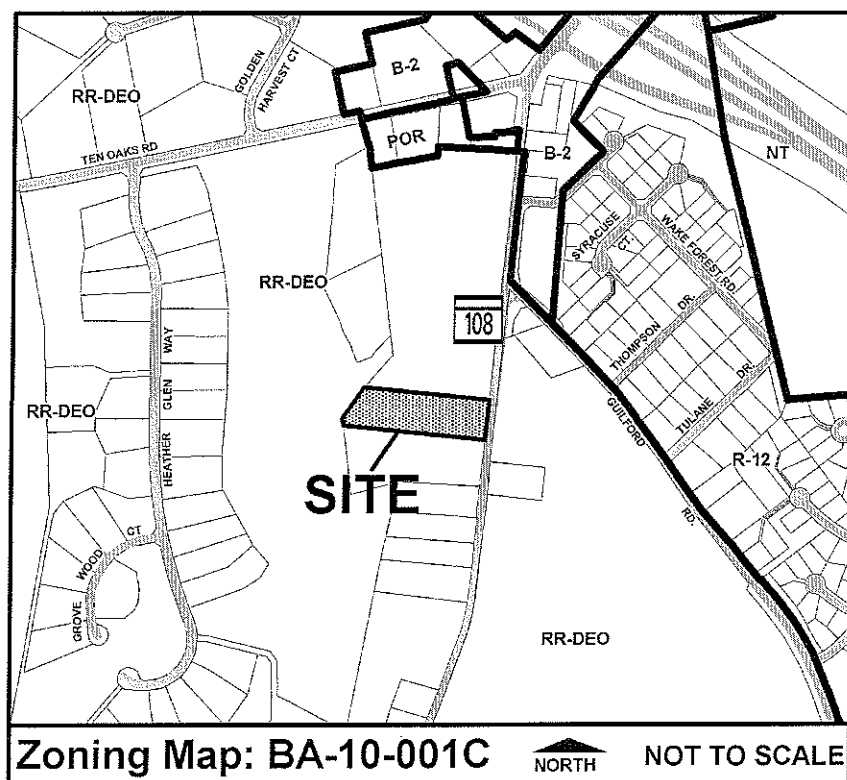


I. CONDITIONAL USE PROPOSAL

The Petitioner proposes a Conditional Use to construct and operate a funeral home facility on the Property. According to the petition, the proposed funeral home operation would comprise three viewing rooms, a small chapel and associated parking. The petition states that there will be four employees and that outdoor lighting will comply with the Zoning Regulations and be directed down and away from adjoining properties. No proposed lighting is depicted on the submitted plan.

As depicted on the submitted Conditional Use Plan (the "Plan") the building would be approximately 80 feet wide at the front, 60 feet wide at the rear, and 255 feet in overall length. On the building's north side, the rear portion projects approximately 20 feet to the north beyond the front portion. Parking spaces and a pedestrian plaza leading to a side entrance would be located on the building's north side. A garage and loading area would be located on the south side of the building. The proposed building would be located approximately 78 feet from the front property line adjacent to MD 108, 70 feet from the north property line, 30 feet from the south property line and 310 feet from the rear property line.

The submitted floor plan depicts a two-level building totaling 25,390 square feet. The upper floor area would have a porte-cochere/drop off area at the front entrance, and a vestibule and main lobby leading to three visitation/viewing rooms. Various rooms including casket and storage rooms would also be located on this level. The lower floor area would contain a garage, a 1,500 square foot reception center and a 192-seat chapel with eight additional handicapped seating spaces, as well as other ancillary rooms. The architectural renderings depict the building as being 32.5 feet in height to the peak of the main roof and 37.5 feet in height to the top of the cupola as permitted by the Zoning Regulations.

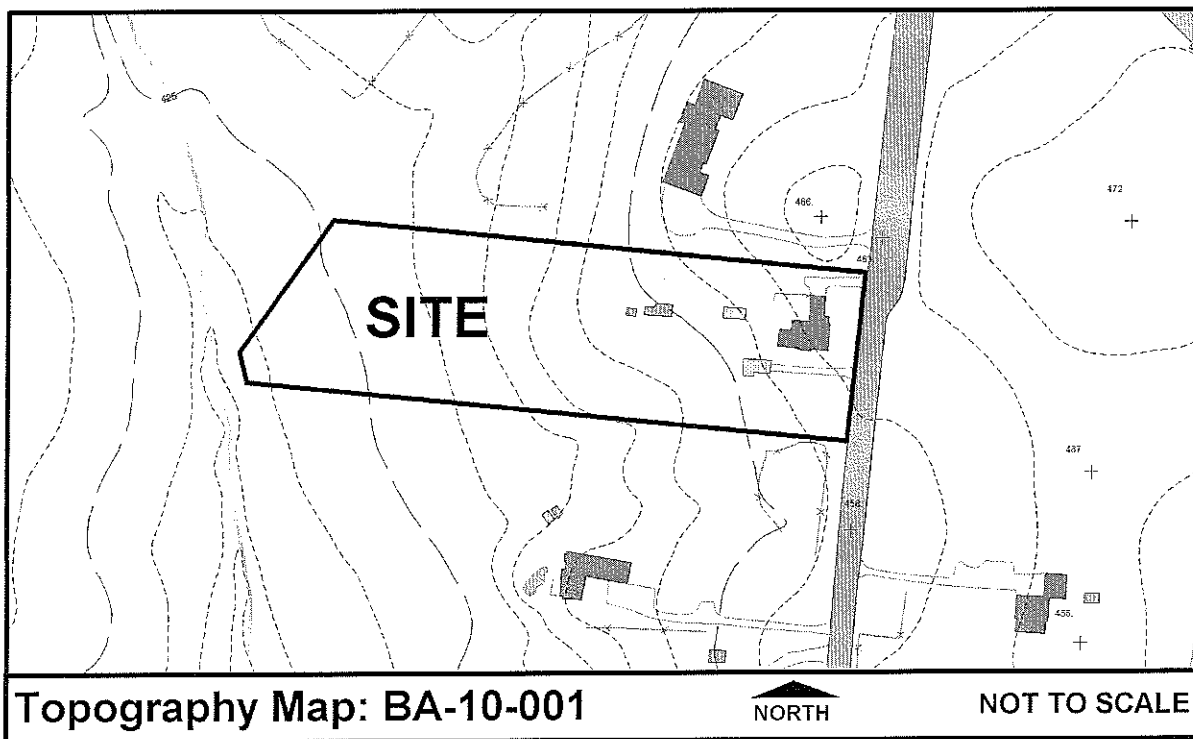


A proposed 24 foot wide driveway situated approximately 54 feet from the northeast lot corner will provide access from MD 108. The majority of the 66 proposed parking spaces would be located at the rear of the building; however, 13 of these spaces are to be located adjacent to the north side of the building, and three spaces are to be located adjacent to the east side of the building.

The Plan depicts Type A landscape buffers along the north and south Property perimeters, a Type C landscape buffer along the western perimeter, and Type B and Type E landscape buffers along portions of the eastern perimeter adjacent to MD 108. The Plan depicts a 'Proposed walkway to ex. church parking lot' on the south side of the Site.

In the specific criteria for the use in Section 131.N.22.d., there is a requirement for a 50 foot setback for buildings, parking areas, and outdoor activity areas from residentially zoned properties. This setback is applicable for the Site along the west, north and south side lot lines. A reduction to this setback may be allowed in certain instances as provided by that section. Such reductions are depicted on the Plan along the north and south side lot lines and are discussed in further detail in Section IV.B.4. of this Technical Staff Report.

A 1,500 square foot proposed well area is depicted in the southeast corner of the Site and a 10,180 square foot septic easement is depicted in the northeast portion. The well area is shown with a 10 foot setback from MD 108 (see attached comments from the Howard County Health Department regarding the 15 foot required setback from a road right-of-way). In the western area of the Site is an open area which is described as "possible stormwater management area".



Hours of operation are not mentioned in the petition. It is recommended that the Petitioner specify the total hours and days of operation for the facility, including evening activities beyond visiting hours and the hours of use of the chapel.

II. BACKGROUND INFORMATION

A. Site Description

The Property is a 3.27 acre, trapezoid-shaped parcel with approximately 200 feet of frontage on MD 108. The Property is currently improved with a single-family detached dwelling located in the front northern area of the Site. Several sheds are situated to the rear of the dwelling and a gazebo is depicted within the stream buffer at the rear of the Site. Two gravel driveways, one situated approximately 80 feet from the south property line and the other situated at the northeast lot corner provide access. All existing structures and driveways will be removed for the proposed development.

The Site is predominately wooded. The topography drops gradually from east to west (front to rear). A perennial stream is depicted on Parcel 77 adjoining the rear of the Property and a small portion of the stream is depicted at the northwest corner of the Property. A 75 foot wide stream buffer encumbers the rear area of the Property.

B. Vicinal Properties

North:

Parcel 196 adjoins the north side of the Property. This approximately 17.18 acre parcel is zoned RR-DEO, and is the site of the St. Louis Catholic Church which is improved with chapel and sanctuary buildings, a school building, and ancillary structures and parking lots located primarily in the northeast area of the parcel. In the southern portion of this parcel is an approximately 6,470 square foot structure located approximately 54 feet from the south property line and identified on the Plan as the "existing house (rectory)".

Adjoining the north side of Parcel 196 is Parcel 29 which is zoned POR and comprises a driveway from Ten Oaks Road providing access to St. Louis Catholic Church. Parcels 30, 32, and 34 also adjoin the north side of Parcel 196 and are zoned POR. Parcel 93, to the north of Parcel 34 is zoned B-2 and developed with a bank building. Ten Oaks Road lies to the north of these parcels.

East, across MD 108:

To the north of Guilford Road, properties are zoned B-2. These properties are used for various service and retail businesses. Parcel B-1 across from St. Louis Catholic Church is the site of a one-story retail center called "Clarksville Plaza".

To the south of Guilford Road is Parcel 162, which is zoned RR-DEO and is improved with a two-story single family detached dwelling which is set back over 180 feet from MD 108. Surrounding Parcel 162 is the approximately 86 acre Parcel 88 which is a farm field.

South:

Parcel 47 which adjoins the south side of the Property is improved with a religious facility, a parsonage building, and parking lots approved in BA 03-030C as Christ Evangelical Lutheran Church of Columbia. A fence is located along the north side of this parcel.

To the south of Parcel 47 (from north to south) are: Parcel 48, a 1.53 acre parcel improved with a one-story rancher; Parcel 199, a 2.7 acre parcel improved with 1½ story single family detached dwelling; and Parcel 418, a 0.92 acre parcel improved with a one-story single family detached dwelling.

West:

Parcel 77 to the west is an approximately 118 acre parcel which was approved for a 32-lot cluster subdivision, The Preserve at Clarksville (Record Plats 19214-19218). Several single family detached dwellings in the 9,000 square foot range are under construction on lots in this subdivision. The area of this parcel closest to the Property is a wooded stream area on an approximately 42.44 acre non-buildable Preservation Parcel. The closest lot line of a lot in this subdivision to the rear property line of the Property is approximately 590 feet.

C. Roads

MD 108 has two travel lanes with a variable paving width within a proposed 80 foot wide right-of-way.

According to data from the State Highway Administration, the traffic volume on MD 108 south of Ten Oaks Road was 16,783 AADT (annual average daily trips) as of 2008.

Visibility from the proposed driveway entrance appears to be acceptable, with estimated sight distance of more than 200 feet to the north and south. Precise sight distance measurements may only be determined through a detailed sight distance analysis, however.

D. Water and Sewer Service

The Property is not in the Metropolitan District and is in the No Planned Service Area for Water and Sewer according to the Howard County Geographic Information System maps.

The Property is served by private well and septic facilities and the proposed use will be also be served by private well and septic facilities.

E. General Plan

The Property is designated Rural Residential on the Policies Map 2000-2020 of the 2000 General Plan.

MD 108 is depicted as a Major Collector on the Transportation Map 2000-2020 of the 2000 General Plan.

F. Agency Comments

See attached comments on the proposal from the following agencies:

1. Department of Inspections, Licenses and Permits
2. Bureau of Environmental Health
3. State Highway Administration

The following agency had no comments on the proposal:

1. Department of Recreation and Parks

G. Adequate Public Facilities Ordinance

The petition is subject to the Adequate Public Facilities Ordinance. A site development plan for the proposed development is subject to the requirement to pass the test for adequate road facilities.

III. ZONING HISTORY

There are no prior Board of Appeals cases for the Property.

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 131.B. of the Zoning Regulations (general criteria for Conditional Uses):

1. The proposed use is an institutional use which would be primarily conducted indoors. The 3.27 acre Property is of an appropriate size for the use. The site has frontage on and access to MD 108, a Major Collector. The nature and intensity of the proposed use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the proposed plan will be in harmony with the land uses and policies indicated in the Howard County General Plan for the Rural Residential designation.
2. The proposed use is principally an indoor use; it will not generate inordinate noise, and will not cause dust, fumes, odors, lighting, vibrations, or hazards. The impact of adverse effects such as noise, dust, fumes, odors, lighting, vibrations, hazards or other physical conditions will not be greater at the subject site than generally elsewhere in the Rural Residential District.
3. The proposed structure, with recommended screening and buffering will be buffered from uses on vicinal properties and the use will not hinder or discourage the development and use of adjacent land and structures more at the subject site than it would generally elsewhere in the zone.
4. Ten parking spaces are required for each of the three viewing rooms and one parking space is required for each of the four employees. A total of 34 parking spaces are required, and 66 spaces including five handicapped spaces are proposed. The proposed chapel is an accessory use customarily associated with a funeral home operation; therefore, no additional parking spaces are required or

provided for this use. Parking areas will be of adequate size for the particular use. The parking areas will be located primarily at the rear of the building and will be properly located and screened from public roads and adjacent uses to minimize adverse impacts on adjacent properties.

As previously noted, the Plan depicts a proposed walkway to the existing church parking lot to the south which could potentially result in the use of the Site for overflow parking for this adjacent use. In BA 03-030C, the Conditional Use for Christ Evangelical Lutheran Church of Columbia was approved based on a condition that adequate parking for that use was provided on-site; therefore, DPZ recommends that the proposed walkway be eliminated. The loading area will be located in the southwest portion of the building adjacent to the parking lot of the adjoining religious facility to the south and will not be visible from roadways or vicinal properties. A dumpster, pad and enclosure are proposed to be located in the southwest corner of the parking lot away from the building and the building on the adjacent property to the south. The loading and refuse areas will be properly located to minimize adverse impacts on adjacent properties.

5. A traffic study was not submitted with the petition; however, the State Highway Administration (SHA) has no objection to the proposed driveway location provided the requirements for obtaining an access permit are met. The proposed ingress and egress driveway will provide safe access with adequate sight distance, based on SHA comments.

B. Evaluation of petition according to Section 131.N.22 (Specific Criteria for Conditional Use for Funeral Homes and Mortuaries):

1. The Property is 3.27 acres. The petition complies with the minimum three acre lot size requirement of this section.
2. The Property has frontage on and direct access to MD 108, a Major Collector. The petition complies with this section.
3. The Section 131.N.22.c. criterion requires that the “design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition”.

An issue in evaluating this criterion is the determination of what is meant by “vicinity”. This term is not defined in the Zoning Regulations, but a dictionary definition is “near” or “close by”. The proposed building will front on the west side of MD 108 and it appears that it will be most visible from that road, so it seems most logical to conduct the scale and character compatibility evaluation based upon the nearby development on that road to the north and south of the Site.

As noted below in Section IV.B.4., the development to the north and on the adjacent parcel to the south of the Site is either commercial or primarily institutional in nature. The criterion of this section is not to be applied to a comparison with such buildings, however, as it specifies “residential development in the vicinity.”

Notwithstanding the noted requirement for comparison to residential development, it is notable that the submitted architectural renderings depict a structure which incorporates some elements typical of residential structures. The narrower façade which will face MD 108 is broken into several sections and features an inviting entrance and windows which lessen the building's commercial appearance. The mass and scale is interrupted by varying roof lines and building sections. The clerestory and dormer windows as well as the regularly spaced windows on the north elevation are evocative of residential fenestration and diminish the commercial appearance of the building. The depicted building would be compatible with nearby commercial or primarily institutional uses.

4. This section requires that buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways, except that the Hearing Authority may reduce this setback to no less than 20 feet or the minimum required by the zoning district, whichever is greater, if:
 - (1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development or;
 - (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.

Following the above provision for reduced setbacks, the 30 foot structure and use setback required by the zoning district is the greater of the two requirements.

Portions of the proposed structure and parking area are proposed to be located 30 feet from the south property line, and the driveway is proposed to be located 30 feet from the north property line. According to the definition of Parking Area, Parking Facility or Parking Use found in the Zoning Regulations, the driveway use must comply with the 50 foot setback requirement unless the Hearing Authority approves a reduced setback. The Petitioner requests that the Hearing Authority approve a reduction in the setbacks to the 30 foot minimum on the north and south sides.

The adjoining parcel to the north is the site of the St. Louis Catholic Church. This multiple-building facility has been developed with several Board of Appeals cases (most recently BA 01-031C and BA 04-011C) and Site Development Plan SDP 03-064. No Site Development Plan or other evidence was found that the structure identified on the Plan as the rectory was approved for residential use on a separate parcel or that such a lot was created for this specific purpose. The structure located in the parcel's southern portion occupies an area of Parcel 196, is depicted on SDP 03-064 as part of Parcel 196, and therefore exists as an accessory use to the principal use of that parcel as an institutional use religious facility.

The reduced setbacks have potential for approval under the criterion of §131.N.22.d.(2). Although the Plan includes a note that proposed landscaping will exceed the minimum requirements, it depicts the minimum buffer type (Type A - light) required by the Howard County Landscape Manual and does not include a detailed plan for screening as required by §131.N.22.d.(2). Should the Hearing Authority approve the reduced setbacks, it is recommended that the site be specifically designed to allow for a required six foot minimum privacy fence or masonry wall and a Type E landscape buffer on the north side from the area closest

to the road to at least the end of parking area on the Property. It is also recommended that a minimum of a Type D landscape buffer be required on the south side from the area closest to the road to the end of the proposed building on the Property.

5. Approximately 31 percent (16,454 square feet of the 53,092 square foot building envelope) within the building envelope would be green space. The petition complies with the requirement that at least 20 percent of the area within the building envelope will be green space.
6. There is no mention of a crematorium in the petition.

V. RECOMMENDATION

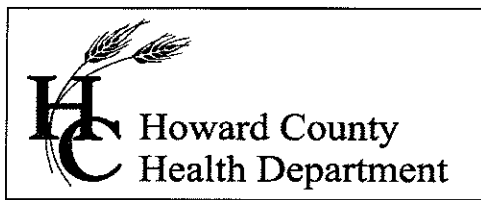
For the reasons stated above, the Department of Planning and Zoning recommends that the request for a Conditional Use for a Funeral Home be **APPROVED** subject to the following conditions:

1. The Conditional Use shall be conducted in conformance with and shall apply only to the Funeral Home as described in the petition and as depicted on the Conditional Use plan submitted on February 2, 2010, and as may be revised by the Hearing Examiner, and not to any other activities, uses, or structures on the Property.
2. The Petitioner shall comply with all agency comments.
3. Should the Hearing Authority approve the reduced setbacks, it is recommended that the site be specifically designed to allow for a required six foot minimum privacy fence or masonry wall and a Type E landscape buffer on the north side and that a minimum of a Type D landscape buffer be required on the south side as noted above.
4. It is recommended that the proposed walkway on the south side of the Site be eliminated.
5. It is recommended that the Petitioner specify the total hours and days of operation for the facility, including evening activities beyond visiting hours and the hours of use of the chapel.


Marsha McLaughlin, Director Date 3/23/10

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

MM:ZLK/zlk



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TDD (410) 313-2323 Toll Free 1-866-313-6300
website: www.hchealth.org

Peter L. Beilenson, M.D., M.P.H., Health Officer

MEMORANDUM

TO: J. Robert Lalush, Acting Chief
Division of Planning & Zoning Administration

FROM: Sara Sappington, R.S. *SS*
Well and Septic Program

RE: File Number: BA 10-001C
Title: 12540 Clarksville Pike
Donaldson Funeral Home

DATE: February 9, 2010

10 FEB 15 PM 1:10

The Health Department does not object to the conditional use petition; however a revised Percolation Certification Plan will be required prior to the approval of a Site Development Plan. The plan submitted as part of the conditional use petition, shows a modified sewage disposal area and well area. The well area shown does not meet the 15' setback from a right of way. In addition, the parking area has been expanded to cover a larger portion of the sewage disposal area. In this case, an advanced pretreatment system no longer is a voluntary action, but is now required to be installed as part of the septic system. Note # 10 on the Percolation Certification Plan will need to be modified.

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: 2/3/10

Hearing Examiner TBS
Planning Board _____ Board of Appeals _____ Zoning Board _____

Petition No. BA 10-001C Map No. 34 Block 12 Parcel 45 Lot _____

Petitioner: Donaldson Funeral Home

Petitioner's Address: see application

Address of Property: see application

Return Comments by ASAP to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: See application

To: _____ MD Department of Education – Office of Child Care
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
_____ Bureau of Environmental Health
_____ Development Engineering Division
_____ Department of Inspections, Licenses and Permits
_____ Department of Recreation and Parks
_____ ✓ Department of Fire and Rescue Services
_____ State Highway Administration
_____ Sgt. Karen Shinham, Howard County Police Dept.
_____ James Irvin, Department of Public Works
_____ Office on Aging, Terri Hansen (senior assisted living)
_____ Police Dept., Animal Control, Deborah Baracco, (kennels)
_____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
_____ Land Development - (Religious Facility & Age-Restricted
Adult Housing)
_____ Housing and Community Development
_____ Economic Development
_____ Route 1 Cases – DCCP – Dace Blaumanis

COMMENTS: Building must meet Fire Code requirements
There turn radius on site which may effect the
amount of parking


SIGNATURE

**Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments**

Date: 2/3/10

Hearing Examiner TBS
Planning Board _____ Board of Appeals _____ Zoning Board _____
Petition No. BA 10-001C Map No. 34 Block 12 Parcel 45 Lot _____
Petitioner: Donaldson Funeral Home
Petitioner's Address: see application
Address of Property: see application
Return Comments by ASAP to Public Service and Zoning Administration
Owner: (if other than applicant) _____
Owner's Address: _____
Petition: See application

10 FEB 17 PM 3:38

To: _____ MD Department of Education – Office of Child Care
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
_____ Bureau of Environmental Health
_____ Development Engineering Division
_____ Department of Inspections, Licenses and Permits
_____ Department of Recreation and Parks
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_____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
_____ Land Development - (Religious Facility & Age-Restricted Adult Housing)
_____ Housing and Community Development
_____ Economic Development
_____ Route 1 Cases – DCCP – Dace Blaumanis

COMMENTS:

SHA HAS NO OBJECTION TO THIS CONDITIONAL USE REQUEST. THE APPLICANT
WILL BE REQUIRED TO OBTAIN AND MEET ALL THE TERMS AND CONDITIONS
OF AN ACCESS PERMIT ISSUED BY THIS OFFICE.

EC [Signature] 2/16/10

SIGNATURE